

LOT HALL—HEIRS OF.

[To accompany Bill H. R. No. 16.]

MARCH 2, 1860.

Mr. ELY, from the Committee on Claims, made the following

REPORT.

The Committee on Claims, to whom was referred the memorial of the heirs of Lot Hall, deceased, have had the same under consideration, and beg leave to report :

That, after a careful examination of all the facts of the case, your committee concur in the following report, made to the House of Representatives May 25, 1840, which makes it clear and conclusive that the prayer of the memorialists should be granted :

It appears, from the papers presented, that Lot Hall entered the service of the United States in May, 1776, as a lieutenant of marines, under Lieutenant Elijah F. Payne, of the ship *Randolph*, of twenty guns, then lying at Charleston, South Carolina, under the command of Robert Cochran ; that said Hall entered the service under the regulations of Congress and the directions of General Washington in Massachusetts, where he enlisted twenty-nine men and a boy, whom he transported to Providence, Rhode Island, and placed, as well as himself, under the command of Lieutenant Payne. From Providence they sailed in the month of June, 1776, with a design to make a cruising voyage to Charleston, South Carolina, to join their ship, the *Randolph*. On their passage they took four prizes, the last of which Hall was put on board of as prize-master, with orders to take the prize into Boston ; but she was retaken by a British vessel, and Hall carried a prisoner of war to Glasgow, in Scotland, where he was detained about a year, when he was enabled to take passage for Virginia, where he arrived about the 1st of January, 1778, as an exchanged officer ; and through the munificence of Patrick Henry, then governor of Virginia, he was enabled to reach his home in Massachusetts, February 22, 1778, stopping at Philadelphia on his route, and petitioning Congress, then sitting there, for employment, which petition is dated January 23, 1778 ; and, after setting forth his adventures and sufferings, concludes as follows : “ I now beg of your honors to consider my sufferings, and if you think me deserving any office on board a continental vessel, and will bestow it upon me, I am willing to enter a second time, or at least I hope your honors will supply me with money sufficient to carry me to the *State* of Boston, the State of my nativity.”

The original petition is on file in the State Department, and a certified copy accompanies the papers in the case. Upon this state of facts, the claimants ask for the pay and subsistence of said Hall while a prisoner, for one year's pay as a supernumerary exchanged officer, and for his share of the prize-money, with such interest as Congress may deem just and right. This claim, growing out of our revolutionary contest, like all others arising from the same source, is liable to the objection of the lapse of time since it arose; but, fortunately, there is no statute of limitations to check the justice of a nation, and no principle to stint its gratitude; time only may afford a presumption of payment, but when that presumption is overcome by satisfactory proof, it only gives an additional reason for the speedy liquidation of a just claim.

That the services were performed and the sufferings endured, as alleged in the petition, is proved to the satisfaction of the committee; that no remuneration has been received is shown by the fact that Hall was taken a prisoner on the first voyage, and by his petitions in 1778, and again in 1808. And, as he died shortly after the presentation of the last petition, leaving a family of young children, this affords a satisfactory reason why the claim was not further prosecuted until after the passage of the late act granting five years' pension to certain widows; when, as stated by the affidavit of one of the sons of said Hall, in hunting up evidence to obtain his mother's pension, he discovered the present claim as made to Congress by his father. The widow obtained the pension as the widow of a deceased revolutionary officer, and she and her children now, as soon as they have become acquainted with their rights, revive the claim originally made; and the services and sufferings in the revolution having been proved, and the lapse of time accounted for, the question as to the amount which the petitioners are entitled to remains to be determined. From the time said Hall first embarked in the service of his country as a lieutenant, May 1, 1776, to the time of his return home from captivity, February 22, 1778, is one year nine months and twenty-two days, which, at \$20 per month, the pay of a lieutenant of marines, as fixed by Congress, amounts to \$434 10. By the resolution of Congress of July 25, 1777, lieutenants are allowed four dollars per week for subsistence, when they are unable to live on board their vessels. If this, from analogy, be assumed as a reasonable compensation for his subsistence from the time he was taken prisoner, September 13, 1776, till his return home, being seventy-five weeks and two days, it would amount to \$301 14.

The claim set up for one year's pay after his return is not allowed, as Lieutenant Hall was not an *exchanged continental supernumerary* officer within the meaning of the resolutions of Congress. It appears by the evidence that £6,210 was paid to the State of South Carolina for prize-money, for the four prizes which Lieutenant Hall assisted in taking; and as it is presumed (for the evidence was destroyed by fire) that in her settlement with the general government, South Carolina credited the government with that amount, the government is liable to the representatives of Lieutenant Hall for his share, whatever the same may be.

The committee report the accompanying bill.